

Senate Resolution 143

Senator Rogers offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Mr. John Henderson of Friona, Parmer County, Texas; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Adjournment

On motion of Senator Parkhouse the Senate at 11:18 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

TWENTY-SEVENTH DAY

(Tuesday, March 3, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Parkhouse
Crump	Phillips
Dies	Rathiff
Fly	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood

Absent—Excused

Fuller	Owen
Moore	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"O God, Our Father, as Thy spirit moved over the earth while it was without form and void, so may Thy spirit move over this Senate now,

bringing order where there is confusion, and out of the darkness, let there be light, that we may walk in the ways of righteousness for Thy name sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Owen was granted leave of absence for today on account of important business on motion of Senator Roberts.

Senator Moore was granted leave of absence for today on account of important business on motion of Senator Wood.

Senator Fuller was granted leave of absence for today on account of important business on motion of Senator Parkhouse.

Message from the House

Hall of the House of Representatives
Austin, Texas,
March 3, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 87, A bill to be entitled "An Act amending Subdivision 106 of Article 199, Revised Civil Statutes of Texas, 1925, as amended, reorganizing the 106th Judicial District of Texas; creating the 121st Judicial District of Texas to be composed of the counties of Terry, Dawson, Gaines and Yoakum, and providing for the terms of said Judicial Districts; providing for the appointment of a judge and a district attorney for the 121st Judicial District; providing for the 121st and 106th Judicial Districts to have concurrent jurisdiction over the counties of Terry and Dawson; providing for the impanelling of Grand Juries in Counties of Terry and Dawson; providing for the removal of cases and proceedings from the 106th Judicial District to the 121st Judicial District; providing for the transfer of cases between the 106th Judicial District and 121st Judicial District in the Counties of Terry and Dawson, providing for the transfer of all writs, processes, bonds, bail bonds, recognizances, complaints, in-

formations, indictments, and ancillary matters between the two Judicial Districts; providing a seal for the 121st District Court; providing district clerks of counties of Terry and Dawson shall act also as district clerks for the 121st Judicial Court of their respective counties; providing for the appointment of an official shorthand reporter for the 121st Judicial District; providing for the appointment of an assistant, investigators and stenographer for the 121st Judicial District and their compensation; providing for the appointment of auditors in the 106th and the 121st Judicial Districts; repealing all laws or parts of laws in conflict; providing for the validity of the remaining portion of this Act if any part declared unconstitutional; the effective date of this Act; and declaring an emergency."

H. B. No. 94, A bill to be entitled "An Act amending Acts 1925, 39th Legislature of Texas, Chapter 152, page 362, Section 3 (Article 7718 Vernon's Texas Civil Statutes) relating to the election of directors of water improvement districts, so as to afford a method by which any such district may provide for staggered terms of office of its directors; and declaring an emergency."

H. B. No. 99, A bill to be entitled "An Act amending Article 139a of Senate Bill No. 172, Chapter 421, Acts of Fiftieth Legislature, 1947, as added by Chapter 479, Acts of the Fifty-second Legislature, 1951, to require certain safety equipment on certain vehicles operated upon the highways of this State; providing for repeal of all laws or parts of laws in conflict with this Act to the extent of such conflict, with certain exceptions; and declaring an emergency."

H. B. No. 101, A bill to be entitled "An Act providing for local option elections in certain counties of this State relating to the question of abolition and discontinuance of the Office of County Superintendent and providing that in the case of an affirmative vote on such question the Office of County Superintendent is abolished; and declaring an emergency."

H. B. No. 331, A bill to be entitled "An Act relating to certain independent school districts; providing for the numbering of positions or offices of trustees of such districts, the election

thereof, and the terms of office thereof; containing other provisions relating to the subject; providing that this Act shall be cumulative of other laws; providing a severability clause; and declaring an emergency."

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill on First Reading

The following bill received from the House was read the first time and referred to the committee indicated:

H. B. No. 331, to the Committee on Counties, Cities and Towns.

Reports of Standing Committees

Senator Lane submitted the following reports:

Austin, Texas,
March 3, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 154, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

LANE, Chairman.

Austin, Texas,
March 3, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 151, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 3, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 65, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 3, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Jurisprudence, to whom was referred S. B. No. 249, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Senator Hardeman submitted the following reports:

Austin, Texas,
March 3, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 194, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
March 3, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 225, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Senator Bradshaw submitted the following reports:

Austin, Texas,
March 3, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 180, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BRADSHAW, Chairman.

Austin, Texas,
March 3, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on In-

surance, to whom was referred S. B. No. 241, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BRADSHAW, Chairman.

Senator Colson submitted the following reports:

Austin, Texas,
March 3, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred S. B. No. 121, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

COLSON, Chairman.

Austin, Texas,
March 3, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred S. B. No. 209, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLSON, Chairman.

Austin, Texas,
March 3, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred S. B. No. 236, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLSON, Chairman.

Senator Aikin submitted the following report:

Austin, Texas,
March 3, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 331, have had the same under consideration, and we are instructed to report it back to the

Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

(President Pro Tempore in the Chair.)

House Bill 331 Ordered Not Printed

On motion of Senator Phillips and by unanimous consent H. B. No. 331 was ordered not printed.

Senate Resolution 144

Senator Herring for Senator Parkhouse offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mollie Fulton and Ray Hunt from Dallas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the guests to the Members of the Senate.

Presentation of Guests

Senator Roberts by unanimous consent presented for Senator Moore twenty students from Wortham High School of Freestone County and Mr. Robertson, teacher, to the Members of the Senate.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committees indicated:

By Senator Aikin:

S. B. No. 250, A bill to be entitled "An Act authorizing the Board of Trustees, of all school districts, under certain circumstances, to insure students training for or participating in interschool athletic competition for bodily injuries sustained by said students by reason thereof; providing for the payment of premiums for said insurance; providing that said insurance shall be written on forms approved by the Insurance Commission

of Texas and declaring the costs of said insurance to be a legitimate part of the total costs of the athletic programs of the school district of the state; and declaring an emergency."

To the Committee on Education.

By Senator Aikin:

S. B. No. 251. A bill to be entitled "An Act amending Section 2 of Article V of the Foundation School Program Act (Chapter 334, Acts of 1949, Regular Session) as amended, providing for a minimum monthly salary of One Hundred Twenty-five Dollars (\$125.00) for school bus drivers, which amount shall be allocated from the Foundation School Fund and shall be separate and apart from the purchase, maintenance, and operating cost of each transportation unit of the Foundation School Program; and declaring an emergency."

To the Committee on Education.

By Senator Parkhouse:

S. B. No. 252, A bill to be entitled "An Act relating to examination fees for credit unions; amending Section 5 of Chapter 87, Acts of the 33rd Legislature, Regular Session 1913, as amended (codified as Article 2465 of Vernon's Texas Civil Statutes), so as to provide that each credit union examined by the Department of Banking shall pay an examination fee not to exceed Fifty-five (\$55.00) Dollars per day per person engaged in each examination or a total fee of Ten (\$10.00) Dollars per One Thousand (\$1,000.00) Dollars of assets or fraction thereof as reflected by the examination, whichever is lower, with a minimum of Ten (\$10.00) Dollars; and declaring an emergency."

To the Committee on Banking.

By Senator Herring:

S. B. No. 253, A bill to be entitled "An Act amending the Code of Criminal Procedure of 1925 by adding Article 657a to Chapter 5, Title 8, and amending Article 693 of Chapter 6, Title 8 of the Code of Criminal Procedure of Texas of 1925; providing that when the state seeks the death penalty the jury shall fix the punishment; providing that when the plea is not guilty the defendant shall be first tried on the issue of guilt or innocence of the offense charged without reference to the punishment to be imposed on such defendant; providing,

further, for a separate hearing, upon a return of a verdict of guilty, as to the assessment of punishment, the separate hearing to be either before the judge or the jury at the election of the defendant and upon the basis of any additional evidence considered helpful in assessing the punishment; providing when the jury cannot agree as to the punishment or their verdict as to the punishment is set aside, the judge shall then assess the punishment; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Herring:

S. B. No. 254, A bill to be entitled "An Act to abolish the requirement of unanimous concurrence of the jurors in civil actions and to restore the constitutional provision permitting nine members of a jury, concurring, in civil causes to render a verdict; providing that when the verdict shall be rendered by less than the whole number of the jury, it shall be signed by every member of the jury concurring in it; repealing all laws in conflict herewith; requiring verdicts in all criminal cases by unanimous concurrence of the jurors; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Herring:

S. B. No. 255, A bill to be entitled "An Act to amend Article 214, of the Code of Criminal Procedure, by the addition of a new section authorizing any peace officer to arrest, without a warrant, persons found in suspicious places or under circumstances which reasonably show that such persons have been guilty of some felony, breach of the peace, or violation of law, or threaten or are about to commit some offense against the laws; providing that such authority shall be in addition to any other authority now existing; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Dies:

S. B. No. 256, A bill to be entitled "An Act authorizing the Commissioners Court of Newton, Sabine, Jasper and San Augustine Counties, Texas, to pay the District Judge of the 1st Judicial District compensation in addition to the compensation paid by the State of Texas; making other provisions relating thereto; providing for

a severability clause; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Roberts:

S. B. No. 257, A bill to be entitled "An Act amending Chapter 475, Page 1201, Acts of the Regular Session of the 54th Legislature, 1955 (codified as Article 331g-1, Vernon's Texas Civil Statutes) by adding thereto a new section designated as Sec. 2a, concerning the authority to carry arms and to make arrests, vested in certain investigators appointed by county attorneys in counties having a population in excess of thirty-seven thousand (37,000) according to the preceding Federal Census; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Roberts:

S. B. No. 258, A bill to be entitled "An Act authorizing cities to deposit proceeds from the sale of bonds on interest bearing time deposits or to invest such proceeds in obligations of the United States government; enacting other provisions related to the subject; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Crump:

S. B. No. 259, A bill to be entitled "An Act relating to the stopping, standing or parking of vehicles upon the paved or main-traveled part of highways outside of a business or residential district; amending paragraph (a), Section 93 of the Uniform Act Regulating Traffic on Highways compiled as Article 6701d, Vernon's Texas Civil Statutes; and declaring an emergency."

To the Committee on Transportation.

By Senator Hazlewood:

S. B. No. 260, A bill to be entitled "An Act to amend Chapter 4, Title 15, Article 1160 of the Penal Code of Texas of 1925, as amended, for the purpose of increasing the maximum punishment for assault with intent to murder; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Hazlewood:

S. B. No. 261, A bill to be entitled "An Act amending Section 6 of House Bill No. 219, Acts, 52nd Legislature, 1951, Chapter 498, Page 1210, Regular Session, Texas Motor Vehicle Safety Responsibility Act (Article 6701h, Vernon's Texas Civil Statutes, 1925) where no criminal or civil action is filed or adjudicated against the owner or operator of a motor vehicle involved in an accident within sixty (60) days of the date of the accident, then the requirements as to security and suspension in Section 5 shall not apply; providing that future cases filed may void this exemption; and declaring an emergency."

To the Committee on Insurance.

By Senator Reagan:

S. B. No. 262, A bill to be entitled "An Act authorizing judges having divorce jurisdiction to support and sponsor a board of marriage counselors, setting forth the purposes for organizing such board, to wit: marriage counselling, premarital counselling and dissemination of vital domestic information to the public; naming the qualifications of such counselors; providing for organization and method of operation of such board; providing that no personal charge shall be made by members unless approved by the court; providing for an executive director and stenographer; and setting forth the maximum salary limits; providing for the collection of fees to defray operation expenses and authorizing such board to receive donations; designating board as non-profit, charitable organization; providing such board may be incorporated; providing for meetings and the attendance of institutes of marriage counselors, state and national; providing that expenses of such board may be paid out of county funds when approved by appointing court and County Commissioners Court; providing for audit of books and records and filing of reports; providing counselling not compulsory except on court order in pending suits; providing that parties shall not be required to answer questions when counselling; providing proceedings and records of counselling inadmissible in evidence; providing court appointed marriage counselors disqualified from testifying except on finances; relieving mar-

riage counselors from liability; repealing all laws in conflict herewith; declaring the provisions of this Act to be severable; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Secrest:

S. B. No. 263, A bill to be entitled "An Act authorizing Bell County to supplement the salary of the District Attorney of the 27th Judicial District and providing for severability; providing for the maximum supplemental salary that may be paid by Bell County; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Fly:

S. B. No. 264, A bill to be entitled "An Act repealing Chapter 225, Acts of the 47th Legislature, Regular Session, 1941, as amended, concerning hunting on Lake Corpus Christi; and declaring an emergency."

To the Committee on Game and Fish.

Report of Standing Committee

Senator Moffett by unanimous consent submitted the following report:

Austin, Texas,
March 3, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to whom was referred S. B. No. 72, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Senate Resolution 145

Senator Willis offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate A. H. Lightfoot of Fort Worth, Texas; and Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; Now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas

and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Willis by unanimous consent presented Mr. Lightfoot to the Members of the Senate.

Senate Bill 51 with House Amendments

Senator Moffett called S. B. No. 51 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Moffett moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood

Absent—Excused

Fuller	Owen
Moore	

House Bill 331 on Second Reading

Senator Phillips moved that Section 5 of Article III of the Constitution and Senates Rules 116, 38, 13 and 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 331 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood

Absent—Excused

Fuller	Owen
Moore	

The President Pro Tempore then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 331, A bill to be entitled "An Act relating to certain independent school districts; providing for the numbering of positions or offices of trustees of such districts, the election thereof, and the terms of office thereof; containing other provisions relating to the subject; providing that this Act shall be cumulative of other laws; providing a severability clause; and declaring an emergency."

The bill was read the second time and was passed to third reading.

House Bill 331 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President Pro Tempore laid H. B. No. 331 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—28

Aikin	Herring
Baker	Hudson
Bradshaw	Kazen
Colson	Krueger
Crump	Lane
Dies	Martin
Fly	Moffett
Gonzales	Parkhouse
Hardeman	Phillips
Hazlewood	Ratliff

Reagan
Roberts
Rogers
Secrest

Smith
Weinert
Willis
Wood

Absent—Excused

Fuller
Moore

Owen

Bills and Resolution Signed

The President Pro Tempore announced the signing by the President in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H. B. No. 85, A bill to be entitled "An Act repealing Article 252 and Articles 262 through 269 of the Penal Code of Texas, 1925, relating to election campaign expenditures and statements; and declaring an emergency."

H. B. No. 113, Amending Sections 1 and 3 of Senate Bill No. 5, Acts of the Forty-fourth Legislature, Second Called Session, 1935, Chapter 465, page 1762, as amended, codified in Vernon's as Section 1 and 3 of Article 3912e, Vernon's Civil Statutes, so as to permit the collection of fees and commissions by County Officers from the State or County for services rendered by such County Officers in connection with the acquisition of rights of way for public roads or highways, and in eminent domain proceedings, providing that such fees in Counties where the County Officers are compensated on a salary basis shall be deposited in the Officers' Salary Fund of the County; repealing all laws in conflict; and declaring an emergency."

H. B. No. 212, A bill to be entitled "An Act applying to all independent school districts created by Special Act of the Legislature, operating under the General Laws, having as many as Eighteen Hundred Thirty-One (1831) and not more than Eighteen Hundred Thirty-Five (1835) scholastics, according to the last official scholastic census, and wherein there is situated a city having a population of as many as Forty-Four Hundred Twenty-Seven (4427) and not more than Forty-Four Hundred Thirty (4430), according to the last preceding federal census, and having a Board of seven (7) Trustees whose terms of office are for three (3) years; providing that in all such school districts the trustees thereof

shall be voted upon and elected separately for positions on said Board of Trustees; etc.; and declaring an emergency."

H. C. R. No. 39, Congratulating Mr. and Mrs. Walter Malec on their Fiftieth Wedding Anniversary.

(President in the Chair.)

Senate Bill 126 on Second Reading

Senator Herring moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 126 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood

Absent—Excused

Fuller
Moore

Owen

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 126, A bill to be entitled "An Act providing that the Attorney General shall be a necessary party to certain judicial proceedings, settlements and compromise agreements affecting charitable trusts, and authorizing settlements with or without the intervention of a court; excepting pending suits from the operation of the Act; providing for severability; and declaring an emergency."

The bill was read the second time.

Senator Herring offered the following Committee Amendment to the bill:

Amend Senate Bill 126 by inserting immediately after the word "contro-

versy" in the first line of "Section 5" on page 2 of the bill, the phrase "of a character described in Section 2 of this Article and".

The Committee Amendment was adopted.

Senator Herring offered the following Committee Amendment to the bill:

Amend Senate Bill 126 by striking out the word "Act" in "Section 3" on line 2 of page 2, and insert in lieu thereof the word "Article".

The Committee Amendment was adopted.

On motion of Senator Herring and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 126 on Third Reading

Senator Herring moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 126 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood

Absent—Excused

Fuller	Owen
Moore	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood

Absent—Excused

Fuller	Owen
Moore	

Senate Resolution 146

Senator Colson offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Civics Class of the Grapeland High School of Grapeland, Houston County, Texas, accompanied by their superintendent, Mr. J. O. McKenzie and their Room Mother and Sponsor, Mrs. Carroll Herrod; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Colson by unanimous consent presented the students, superintendent and sponsor to the Members of the Senate.

Reports of Standing Committee

Senator Aikin by unanimous consent submitted the following reports:

Austin, Texas.
March 3, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 218, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

AIKIN, Chairman.

Austin, Texas,

March 3, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 263, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

AIKIN, Chairman.

Senate Bill 263 Ordered Not Printed

On motion of Senator Secrest and by unanimous consent S. B. No. 263 was ordered not printed.

House Bills on First Reading

The following bills received from the House, were read first time and referred to the Committees indicated:

H. B. No. 44, To the Committee on Insurance.

H. B. No. 54, To the Committee on Legislative, Congressional and Judicial Districts.

H. B. No. 47, To the Committee on Game and Fish.

H. B. No. 96, To the Committee on Jurisprudence.

H. B. No. 71, To the Committee on Jurisprudence.

H. B. No. 101, To the Committee on State Affairs.

H. B. No. 99, To the Committee on Transportation.

H. B. No. 94, To the Committee on Water and Conservation.

H. B. No. 87, To the Committee on Legislative, Congressional and Judicial Districts.

Senate Resolution 147

Senator Crump offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the 8th grade class of San Saba Grammar School, San Saba County, Texas, accompanied by their teachers Mrs. John R. McRory, Mrs. Josephine Gray and Mr. Ben Hardy; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Crump by unanimous consent presented the students and teachers to the Members of the Senate.

Senate Bill 129 on Second Reading

Senator Baker moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 129 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzales	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood

Absent—Excused

Fuller	Owen
Moore	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 129, A bill to be entitled

"An Act to provide that in all cases where two or more responsible bidders submit the lowest and best bids in connection with a proposed county, city, or district contract and these bids are identical in both amount and nature, the Commissioners Court of the county or the governing body of the city or district shall only enter into a contract with one of the responsible bidders and the one bidder shall be selected by casting of lots, and the casting of lots, shall be in such a manner as shall be prescribed by the County Judge or Mayor or governing body of the district, as the case may be, and shall be conducted in the presence of the governing body of the county, city or district, at which time all qualified bidders or their legal representatives may also be present; providing that the provisions of this Act shall be applicable to all counties, cities and districts in the State of Texas where bidding is required, regardless of whether the bids are submitted pursuant to the provisions of a General Law, or a Special Law, or a City Charter, or a City Ordinance; providing for a repealing clause; providing for a severability clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Motion to Place Senate Bill 129 on Third Reading

Senator Baker moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 129 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—20

Aikin	Kazen
Baker	Krueger
Bradshaw	Lane
Colson	Moffett
Crump	Parkhouse
Fly	Phillips
Gonzalez	Roberts
Hazlewood	Secrest
Herring	Weinert
Hudson	Wood

Nays—6

Dies	Hardeman
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Ratliff
Reagan

Rogers
Willis

Absent

Martin

Smith

Absent—Excused

Fuller
Moore

Owen

Bill Signed

The President signed in the presence of the Senate after the caption had been read the following enrolled bill:

H. B. No. 331, A bill to be entitled "An Act relating to certain independent school districts; providing for the numbering of positions or offices of trustees of such districts, the election thereof, and the terms of office thereof; etc.; and declaring an emergency."

Reports of Standing Committees

Senator Krueger by unanimous consent submitted the following report:

Austin, Texas,
March 3, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Game and Fish, to whom was referred S. B. No. 264, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
March 3, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 256, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Message from the Governor

The following message received from the Governor today was read and was referred to the Committee on Nominations:

Austin, Texas,
March 3, 1959.

To the Senate of the Fifty-sixth
Legislature:

I ask the advice, consent and con-
firmation of the Senate with respect
to the following appointment:

To be a member of the State Board
of Insurance, for a six-year term to
expire January 31, 1965; Robert W.
Strain of Austin, Travis County.

Respectfully submitted,
PRICE DANIEL,
Governor of Texas.

Senate Resolution 148

Senator Gonzalez offered the fol-
lowing resolution:

Whereas, We are honored today to
have in the gallery of the Senate the
eighth grade class of St. Martin's
Hall of Our Lady of the Lake in San
Antonio, Texas, accompanied by their
teacher and sponsor Sister M. Louis-
ette; and

Whereas, These students are on an
educational tour of the Capitol Build-
ing and the Capital City; and

Whereas, This fine group of young
American citizens is here to observe
and to learn at firsthand the work-
ings of their State government; now,
therefore, be it

Resolved, That we officially recog-
nize and welcome these guests and
commend them for their interest; and
that a copy of this Resolution, prop-
erly endorsed, bearing the official seal
of the Senate, be mailed to them in
recognition of their visit.

The resolution was read and was
adopted.

Senator Gonzalez by unanimous
consent presented the students and
Sister Louisette to the Members of
the Senate.

Senate Bill 256 Ordered Not Printed

On motion of Senator Dies and by
unanimous consent S. B. No. 256 was
ordered not printed.

Adjournment

On motion of Senator Hardeman
the Senate at 11:35 o'clock a.m. ad-
journed until 10:30 o'clock a.m. to-
morrow.

TWENTY-EIGHTH DAY

(Wednesday, March 4, 1959)

The Senate met at 10:30 o'clock
a.m. pursuant to adjournment, and
was called to order by the President
Pro Tempore.

The roll was called and the follow-
ing Senators were present:

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Fuller Owen

A quorum was announced present.

Reverend W. H. Townsend, Chap-
lain, offered the invocation as follows:

"Our Heavenly Father, we would
present our bodies a living sacrifice,
holy, acceptable unto Thee, which
is our reasonable service; praying
that we be not conformed to this
world, but transformed by the re-
newing of our minds to that good, and
acceptable, and perfect, will of Thine.
We pray in Thy name. Amen.

On motion of Senator Aikin, and
by unanimous consent, the reading
of the Journal of the proceedings of
yesterday was dispensed with and the
Journal was approved.

Leaves of Absence

Senator Fuller was granted leave
of absence for today on account of
important business on motion of Sen-
ator Parkhouse.

Senator Owen was granted leave of
absence for today on account of im-
portant business on motion of Sen-
ator Herring.

Reports of Standing Committees

Senator Kazen submitted the fol-
lowing reports: